

TWENTY-SECOND DAY
(Tuesday, March 3, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, in the rush of the workaday world, remind us again and again that all great things are simple and most can be expressed in a single word. May each of us always cherish Freedom—Justice—Honor—Duty and Hope.

In Your Son's name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 17
H.C.R. 37
H.C.R. 72
H.C.R. 74
H.C.R. 76

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 452, To Committee on State Affairs.

H.B. 652, To Committee on Intergovernmental Relations.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 599 by Santiesteban Intergovernmental Relations
Relating to the creation of the El Paso Criminal Law Magistrate Court.

S.B. 600 by Santiesteban, Zaffrini Intergovernmental Relations
Relating to the authority of counties to require the provision of certain facilities and services in subdivisions.

S.B. 601 by Santiesteban, Barrientos,
Tejeda, Truan, Uribe
Relating to the minimum wage.

- S.B. 602** by Santiesteban Economic Development
Relating to registration by the Comptroller of Public Accounts of individuals performing certain accounting services other than auditing.
- S.B. 603** by Santiesteban Criminal Justice
Relating to the amount of cash or security to be deposited by bondsmen as bail security, and declaring an emergency.
- S.B. 604** by Santiesteban Economic Development
Relating to certain requirements for registration as a professional engineer.
- S.B. 605** by Santiesteban Economic Development
Relating to the regulation of the practice of engineering; providing a penalty.
- S.B. 606** by Santiesteban Natural Resources
Relating to the authority of the Low-Level Radioactive Waste Authority to select a low-level waste site.
- S.B. 607** by Parker, Armbrister, Barrientos, Brooks, Caperton, Glasgow, Krier, Uribe Education
Relating to educational programs for gifted and talented students.
- S.B. 608** by Caperton, Lyon Economic Development
Relating to the office of insurance counsel and to assessments collected to support the office of insurance counsel.
- S.B. 609** by Santiesteban Natural Resources
Relating to the creation of and punishment for an offense concerning American Indian burial remains and funerary objects.
- S.B. 610** by Santiesteban Natural Resources
Relating to the transfer of certain trust responsibilities and trust lands of the Alabama-Coushatta and Tigua Indian tribes to the United States Department of the Interior based on the restoration of the federal trust relationship with those tribes.
- S.B. 611** by Lyon Natural Resources
Relating to the right of eminent domain for the purpose of obtaining access to certain land dedicated to the permanent school fund.
- S.B. 612** by Lyon, Caperton Economic Development
Relating to the duty of certain insurers to write certain lines and classes of insurance coverage.
- S.B. 613** by Lyon, Caperton Economic Development
Relating to the authority to create and operate certain reinsurance companies and to the authority of banks to participate in the ownership of those reinsurers.
- S.B. 614** by Lyon, Caperton Economic Development
Relating to the creation and operation of the Texas Local Government Excess Liability Insurance Pool.
- S.B. 615** by Lyon, Caperton Economic Development
Relating to the authority of life insurance companies to reinsure certain casualty risks.
- S.B. 616** by Jones Finance
Relating to the use of cigarette tax revenue for administration of the cigarette stamp program.
- S.B. 617** by Jones Finance
Relating to the use of interest on funds and accounts in the charge of the treasurer.

- S.B. 618** by Jones Finance
Relating to the administration of certain property tax matters, including the times provided for filing a rendition or property report, delivering an appraisal notice, or filing a notice of protest.
- S.B. 619** by Jones Jurisprudence
Relating to the authority of the Texas Commission on Law Enforcement Officer Standards and Education to require annual weapons proficiency tests of peace officers, and to establish standards and procedures for testing weapons proficiency of peace officers.
- S.B. 620** by Jones Economic Development
Relating to the regulation of plumbers.
- S.B. 621** by Jones Economic Development
Relating to the regulation of credit unions.
- S.B. 622** by Parker Intergovernmental Relations
Relating to selection of a county depository.
- S.B. 623** by Whitmire, Brooks Health and Human Services
Relating to actions that constitute the practice of chiropractic.
- S.B. 624** by Parmer State Affairs
Relating to conflicts of interests involving certain public officers and employees; defining offenses and providing remedies and penalties.
- S.B. 625** by Green, Caperton Economic Development
Relating to the creation and operation of the Texas Liability Reinsurance Facility.
- S.B. 626** by Green, Caperton Economic Development
Relating to risk management studies of certain businesses.
- S.B. 627** by Green, Caperton Economic Development
Relating to the creation and operation of the Nonprofit Organizations Liability Insurance Pool.
- S.B. 628** by Zaffirini Criminal Justice
Relating to the availability of jury-recommended probation for persons convicted of the offense of delivery of a controlled substance to a minor.
- S.B. 629** by Zaffirini Criminal Justice
Relating to the availability of probation, parole, and mandatory supervision for persons convicted of the offense of delivery of a controlled substance to a minor.
- S.B. 630** by Farabee State Affairs
Relating to the Teacher Retirement System of Texas.
- S.B. 631** by Uribe Natural Resources
Relating to the delineation of urbanized property within certain water districts and the conversion of irrigation water rights to municipal water rights; repealing Texas Revised Civil Statutes art. 973c.
- S.B. 632** by Farabee Jurisprudence
Relating to blood testing and evidence of blood testing in paternity suits and to venue in such suits.
- S.B. 633** by Uribe Health and Human Services
Relating to the dispensing of dangerous drugs under prescriptions issued by certain foreign practitioners.

S.B. 634 by Lyon, Edwards Economic Development
Relating to frivolous lawsuits and defenses and to disciplinary procedures regarding
an attorney who asserts a frivolous lawsuit or defense.

CO-AUTHOR OF SENATE BILL 165

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 165.

CO-AUTHORS OF SENATE BILL 521

On motion of Senator Sarpalius and by unanimous consent, Senators Leedom, Truan and Zaffirini will be shown as Co-authors of S.B. 521.

CO-AUTHOR OF SENATE BILL 612

On motion of Senator Lyon and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 612**.

CO-AUTHOR OF SENATE BILL 613

On motion of Senator Lyon and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 613.

CO-AUTHOR OF SENATE BILL 614

On motion of Senator Lyon and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 614.

CO-AUTHOR OF SENATE BILL 615

On motion of Senator Lyon and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 615**.

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

S.B. 104
S.B. 119
S.B. 379
S.B. 438

Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.H.B. 51
C.S.S.B. 378

Senator Henderson, Vice-Chairman, submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 5

SENATE BILL 410 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 410, Relating to agricultural water conservation grant and loan programs.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 410 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
March 3, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 71. Declaring March 2, 1987, as Texas TRIO Day.

H.C.R. 79, Honoring Saint Ann's Catholic Church of Midland on its 90th anniversary.

S.B. 88. Relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Hospital District.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 504
ON SECOND READING**

Senator Lyon moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that C.S.S.B. 504 be taken up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 504, Relating to a hunter education program; providing penalties.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving four-fifths vote of the Members of the Senate)

Yeas: Armbrister, Barrientos, Brown, Caperton, Farabee, Johnson, Jones, Lyon, McFarland, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Washington, Zaffirini.

Nays: Anderson, Blake, Edwards, Glasgow, Green, Harris, Henderson, Krier, Leedom, Montford, Sarpalius, Sims, Whitmire.

Absent: Brooks.

GUEST PRESENTED

Senator Barrientos was recognized and introduced Dr. Gary Piefer of Austin, serving today as the Capitol Physician.

The Senate welcomed Dr. Piefer, expressing appreciation for his service.

CONGRATULATORY RESOLUTIONS

H.C.R. 71 - (Johnson): Declaring March 2, 1987, as Texas TRIO Day.

H.C.R. 79 - (Sims): Honoring Saint Ann's Catholic Church of Midland on its 90th anniversary.

S.R. 148 - By Green: Commending Dr. Robert E. Leaton for the contributions he has made to the health and well being of many Texas children.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:31 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(March 3, 1987)

H.C.R. 72

H.C.R. 37

H.C.R. 76

H.C.R. 74

TWENTY-THIRD DAY

(Wednesday, March 4, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Sarpalius.

A quorum was announced present.

The Reverend Dr. Ralph Smith, Hyde Park Baptist Church, Austin, offered the invocation as follows:

Our gracious Heavenly Father, we thank You for this day of challenge and opportunity. Open our eyes to Your goodness and mercy. Guide unerringly the Senate. Help these leaders to know You love them. You have promised "if any lack wisdom let him ask of God who giveth to all liberally..." We claim that promise from Your Word today. In Jesus' name, this is our prayer for Your help. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Brown.